

PROPOSED CONSTITUTIONAL AMENDMENTS

SENATE JOINT RESOLUTIONS

PROPOSED CONSTITUTIONAL AMENDMENT—AIRPORT AUTHORITIES

S. J. R. No. 1

Proposing an Amendment to Article IX of the Constitution of Texas by adding thereto a new Section to be known as Section 12; authorizing the Legislature to provide by law for the creation, establishment, maintenance and operation of Airport Authorities composed of one or more counties; authorizing the creation of a board of directors by appointment or election; providing that the membership of the board shall be based upon the proportionate part of the population of each county, with no county having less than one member; providing for the necessary election; authorizing the levy of an annual tax not to exceed Seventy-Five Cents (75¢) per One Hundred Dollars (\$100) valuation; provided, however, that the property of state regulated common carriers required by law to pay a tax upon intangible assets shall not be subject to taxation by the Authority; authorizing the Authority to employ or appoint an assessor and collector of taxes whose duty it shall be to assess and collect the taxes on the tax rolls approved by the Board of Directors of said Authority, said taxes to be assessed equally and uniformly throughout the county or counties comprising the Authority, as required by the Constitution; granting to such Authority the power to acquire by purchase, or through eminent domain proceedings existing publicly financed airport properties or other sites necessary to have and to improve the same, power to issue and sell general obligation bonds and revenue bonds, or either of them; authorizing the assumption of outstanding indebtedness secured by general obligation bonds and assuming the obligations of the city or cities under ordinances and bond indentures under which revenue bonds have been issued and sold; to enact zoning regulations and other measures to protect the airport facilities from hazards and obstructions; providing for the adding of an additional county or counties to the Authority.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article IX of the Constitution of the State of Texas be amended by adding thereto a new Section to be known as Section 12, reading as follows:

"Section 12. The Legislature may by law provide for the creation, establishment, maintenance and operation of Airport Authorities composed of one or more counties, with power to issue general obligation bonds, revenue bonds, either or both of them, for the purchase, acquisition by the exercise of the power of eminent domain or otherwise, construction, reconstruction, repair or renovation of any airport or airports, landing fields and runways, airport buildings, hangars, facilities, equipment, fixtures, and any and all property, real or personal, necessary to operate, equip and maintain an airport; shall provide for the option by the governing body of the city or cities whose airport facilities are served by certificated airlines and

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whose facility or some interest therein, is proposed to be or has been acquired by the Authority, to either appoint or elect a Board of Directors of said Authority; if the Directors are appointed such appointment shall be made by the County Commissioners Court after consultation with and consent of the governing body or bodies of such city or cities, and if the Board of Directors is elected they shall be elected by the qualified taxpaying voters of the county which chooses to elect the Directors to represent that county, such Directors shall serve without compensation for a term fixed by the Legislature not to exceed six (6) years, and shall be selected on the basis of the proportionate population of each county based upon the last preceding Federal Census, and shall be a resident or residents of such county; provide that no county shall have less than one (1) member on the Board of Directors; provide for the holding of an election in each county proposing the creation of an Authority to be called by the Commissioners Court or Commissioners Courts, as the case may be, upon petition of five per cent (5%) of the qualified taxpaying voters within the county or counties, said elections to be held on the same day if more than one county is included, provided that no more than one (1) such election may be called in a county until after the expiration of one (1) year; in the event such an election has failed, and thereafter only upon a petition of ten per cent (10%) of the qualified taxpaying voters being presented to the Commissioners Court or Commissioners Courts of the county or counties in which such an election has failed, and in the event that two or more counties vote on the proposition of the creation of an Authority therein, the proposition shall not be deemed to carry unless the majority of the qualified taxpaying voters in each county voting thereon vote in favor thereof; provided, however, that an Airport Authority may be created and be composed of the county or counties that vote in favor of its creation if separate propositions are submitted to the voters of each county so that they may vote for a two or more county Authority or a single county Authority; provide for the appointment by the Board of Directors of an Assessor and Collector of Taxes in the Authority, whether constituted of one or more counties, whose duty it shall be to assess all taxable property, both real and personal, and collect the taxes thereon, based upon the tax rolls approved by the Board of Directors, the tax to be levied not to exceed Seventy-Five Cents (75¢) per One Hundred Dollars (\$100) assessed valuation of the property, provided, however, that the property of state regulated common carriers required by law to pay a tax upon intangible assets shall not be subject to taxation by the Authority, said taxable property shall be assessed on a valuation not to exceed the market value and shall be equal and uniform throughout the Authority as is otherwise provided by the Constitution; the Legislature shall authorize the purchase or acquisition by the Authority of any existing airport facility publicly owned and financed and served by certificated airlines, in fee or of any interest therein, or to enter into any lease agreement therefor, upon such terms and conditions as may be mutually agreeable to the Authority and the owner of such facilities, or authorize the acquisition of same through the exercise of the power of eminent domain, and in the event of such acquisition, if there are any general obligation bonds that the owner of the publicly owned airport facility has outstanding, the same shall be fully assumed by the Authority and sufficient taxes levied by the Authority to discharge said outstanding indebtedness; and likewise any city or owner that has outstanding revenue bonds where the revenues of the airport have been pledged or said bonds constitute a lien against the airport facilities, the Authority shall assume and discharge all the obligations of the city under the ordinances and bond indentures under which said revenue bonds have been issued and sold. Any city which owns airport facilities not serving certificated airlines which are not purchased

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or acquired or taken over as herein provided by such Authority, shall have the power to operate the same under the existing laws or as the same may hereafter be amended. Any such Authority when created may be granted the power and authority to promulgate, adopt and enforce appropriate zoning regulations to protect the airport from hazards and obstructions which would interfere with the use of the airport and its facilities for landing and take-off; an additional county or counties may be added to an existing Authority if a petition of five per cent (5%) of the qualified taxpaying voters is filed with and an election is called by the Commissioners Court of the county or counties seeking admission to an Authority and the vote is favorable, then admission may be granted to such county or counties by the Board of Directors of the then existing Authority upon such terms and conditions as they may agree upon and evidenced by a resolution approved by two-thirds ($\frac{2}{3}$ rds) of the then existing Board of Directors, provided, however, the county or counties that may be so added to the then existing Authority shall be given representation on the Board of Directors by adding additional directors in proportion to their population according to the last preceding Federal Census."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1966, at which election all ballots shall have printed thereon the following:

"FOR the addition of Section 12 of Article IX of the Constitution, authorizing the Legislature to provide by law for the creation, establishment, maintenance and operation of Airport Authorities composed of one or more counties, and authorizing the levy of a tax not to exceed Seventy-Five Cents (75¢) on the One Hundred Dollars (\$100) valuation of all taxable property within such Airport Authority except the property of state regulated common carriers required by law to pay a tax upon intangible assets, after approval of its voters."

"AGAINST the addition of Section 12 of Article IX of the Constitution, authorizing the Legislature to provide by law for the creation, establishment, maintenance and operation of Airport Authorities composed of one or more counties, and authorizing the levy of a tax not to exceed Seventy-Five Cents (75¢) on the One Hundred Dollars (\$100) valuation of all taxable property within such Airport Authority except the property of state regulated common carriers required by law to pay a tax upon intangible assets, after approval of its voters."

Sec. 3. The Governor of Texas shall issue the necessary proclamation for the election, and this Amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this state.

Passed the Senate on April 6, 1965: Yeas 25, Nays 5; Senate concurred in House amendments on May 6, 1965, by the following vote: Yeas 29, Nays 0; passed the House on May 6, 1965, with amendments: Yeas 122, Nays 0.

Signed by the Governor May 21, 1965.